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CONFIRMATION NO. FIRST NAMED INVENTOR ATTORNEY DOCKET NO. APPLICATION NO. FILING DATE 10/073,641 02/11/2002 Mark T. Girard AKJ0005/US/4 9070 **EXAMINER** 33072 7590 10/22/2003 NORRIS, JEREMY C KAGAN BINDER, PLLC SUITE 200, MAPLE ISLAND BUILDING PAPER NUMBER ART UNIT 221 MAIN STREET NORTH STILLWATER, MN 55082 2827

DATE MAILED: 10/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Application No.   Application   Application   Application   Application   Application   Application   Application   Application   Application   APPLIANCE   ART UNIT   ART UNIT   APPLIANCE   ART UNIT   ART UNIT	1					
Status   S	Office Action Summary		Application No.	Applicant(s)		
Dareiny C. Noriis   2827			10/073,641	GIRARD ET AL.		
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Peri d for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE £ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  The MAILING DATE OF THIS COMMUNICATION.  If the period for reply second adverse is set she there is the second of the period for reply second adverse is set size. (9) MONTH-5 from the mailing date of this communication.  If the period for reply second adverse is set she there is set she that the period for reply second adverse is set she there is set she second adverse is set she that the period for reply second adverse is set she that the period for reply second adverse is set she that the period for reply second adverse is set she that the period for reply second adverse is set she that the period for reply second adverse is set she that the period for reply second adverse is set she that the period for reply second adverse is set she that the period for reply second adverse is set of the period in the period for reply second adverse is set she set of the period is set she she period for the period in the period for reply second adverse in the period of the communication.  Fashes to reply which the set of set of CFR 1-706/I.  Status  Status  Status  Status  Status  Status  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under £x partie Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s)is/are period adverse is set withdrawn from consideration.  4) Claim(s)is/are allowed.  6)Claim(s)is/are allowed.  6)Claim(s)is/are allowed.  6)Claim(s)is/are allowed.  7)Claim(s)is/are begin adverse and the period of the period			Examiner	Art Unit		
Peri d for Reply  A SHORTENEO STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION:  Ederolistics of the major by available under the primorion of 37 CPR 1.136(a), in no event, however, may a reply be timely filed offer 83X (6) MONTHS from the making date of this communication.  If the period or major period date of this communication is the state of the communication of the state of the period of the state of the communication.  Follow to reply welfine the set of extended period for reply well, by about 20 period to the period of the state of the communication.  Follow to reply welfine the set of extended period for reply well, by about 20 period to the become ABANDONED 35 U.S.C. § 133, Any reply received by the Office the thin hinter months after the mailing date of this communication, even d simily filed, may reduce any secured patent term adjustment. See 37 CPR 1.704(b).  Status  1) Responsive to communication(s) filed on 07 February 2003.  2a) This action is FINAL.  2b) This action is filed to the major of the major of the major of the state of the st		The MAN DO DATE AND		1		
THE MAILING DATE OF THIS COMMUNICATION.  Extensions of time may be audited under the provisions of 37 CPR 1.36(a). In no event, however, may a raply be timely filed with SIX (6) MOX his form the making date of this communication.  If NO period for play is specified above, the maximum statutory profet of all pops and will explore SIX (e) MOX his from the making date of this considered timely.  If NO period for play is specified above, the maximum statutory profet of application to become ABANDONEO (SS U.S.C. § 133).  Any reply recent by the first each either three morths after the making date of this popularies. Sea 37 CPR 1.74(b).  Status  1) Responsive to communication(s) filed on 07 February 2003.  2a) This action is FINAL.  2b) This action is non-final.  3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 1-29 la/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5) Claim(s) is/are allowed.  6) Claim(s) is/are rejected.  7) Claim(s) is/are rejected to.  8) Claim(s) 1-29 are subject to restriction and/or election requirement.  Application Papers  9) The processed drawing correction filed on is/are: all accepted or bl objected to by the Examiner.  10) The drawing(s) filed on is/are: all accepted or bl objected to by the Examiner.  11) The proposed drawing correction filed on is/are: all accepted or bl objected to by the Examiner.  12) The proposed drawing correction filed on is: a) approved by the Examiner.  13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  2) All b) Some c) None of:  1. Certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  3. Copies of the certified copies of the priority documents have been received.  14) Acknowledgment is	The MAILING DATE of this communication appears on the cover sheet with the correspondence address Peri d for Reply					
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## **DETAILED ACTION**

## Election/Restrictions

This application contains claims directed to the following patentably distinct species of the claimed invention:

- i) the species of figures 8A & 8B
- ii) the species of figure 9
- iii) the species of figures 10A & 10B
- iv) the species of figure 11
- v) the species of figures 12A & 12B,
- vi) the species of figures 13A & 13B,
- vii) the species of figures 14 and 15A-15E,
- viii) the species of figure 16.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claim appears generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

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Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

A telephone call was made to Mr. Kevin Hubbard on 16 October 2003 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

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## Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeremy C. Norris whose telephone number is 703-306-5737. The examiner can normally be reached on Tuesday - Friday, 10am - 7pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kamand Cuneo can be reached on 703-308-1233. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

**JCSN** 

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